

Instructions: Writing and Filing a Complaint

These forms were prepared by the Volunteer Legal Services Program, a nonprofit organization, and are not official court forms. They can be used to file non-prisoner, civil lawsuits in the Northern District Court of California.

Checklist

This packet provides a general Complaint form. You also need to file some official court forms:

- ☐ **Civil Cover Sheet**
- ☐ **Summons with Proof of Service**
- ☐ **Application to Proceed in Forma Pauperis** (if you cannot pay the \$350 filing fee).

All of these forms, including a fillable pdf version of this Complaint form, are available at the Clerk's Office or on the Court's website at www.cand.uscourts.gov/civillitpackets.

General Instructions

- A. **Fill out the Complaint COMPLETELY.** Instructions are provided *in italics* to help you fill in the blanks. You and any other plaintiffs must sign and date the Complaint and other papers you file. **You may have limited time to file your Complaint.**
- B. The fee for filing a complaint in this Court is \$350. If you cannot afford to pay, fill out the Application to Proceed In Forma Pauperis (a request for the Court to let you file without paying a fee upfront) and file it with the rest of the forms.
- C. Deliver or mail the **original plus three copies** of each form to the Clerk's Office at the federal courthouse where you are filing your case. The Clerk will take the original and two copies, one of which should be marked "Chambers." The other copy is for you to keep after it is stamped by the Clerk. If you file by mail, include a self-addressed, stamped envelope so that the Clerk can send a copy back to you. Then be sure that your Complaint is served on the defendant(s). Read about how to serve the complaint in the Handbook for Pro Se Litigants (see below).
- D. You must tell the Clerk right away if your mailing address changes. If the Court is unable to contact you, you may miss important deadlines, causing you to lose your case.

More Information

This packet does NOT tell you everything you need to know about filing and serving a Complaint. **Before you file your Complaint**, we recommend that you:

- If your case is in the San Francisco or Oakland federal courthouse, make an appointment with the **Legal Help Center** for free legal information and advice by calling (415) 782-9000 ext. 8657 or signing up at 450 Golden Gate Ave., S.F., 15th Floor, Room 2796.
- Read **Chapter 4** of the **Handbook for Pro Se Litigants** for an explanation of how to write a Complaint, available at the Clerk's Office or on the Court's website at www.cand.uscourts.gov/prosehandbk.

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Your Name: _____
Address: _____
Phone Number: _____
Fax Number: _____
E-mail Address: _____
Pro Se Plaintiff

United States District Court
Northern District of California

Plaintiff(s),
vs.
Defendant(s).

Case Number: _____

COMPLAINT

DEMAND FOR JURY TRIAL

Yes ☐ No ☐

1. Parties in this Complaint

a. **Plaintiff(s).** Write your name, address, and phone number. If there are other plaintiffs, use more pages to include their names, addresses, and phone numbers.

Name: _____
Address: _____

Phone number: _____

b. **Defendant(s).** Write the full name and address of every defendant. If the defendant is a corporation, write the state where it is incorporated and the state where it has its main place of business. Use more pages if you need to.

Defendant 1:

Name: _____

Address: _____

Defendant 2:

Name: _____

Address: _____

Defendant 3:

Name: _____

Address: _____

Defendant 4:

Name: _____

Address: _____

2. Jurisdiction

Usually, only two types of cases can be filed in federal court: cases involving “federal questions” and cases involving “diversity of citizenship.” Check at least one box.

☐ My case belongs in federal court under federal question jurisdiction because it is about federal law(s) or right(s).

Which law(s) or right(s) are involved? _____

☐ My case belongs in federal court under diversity jurisdiction because none of the plaintiffs live in the same state as any of the defendants AND the amount of damages is more than \$75,000.

COMPLAINT

PAGE ____ OF ____ [VLSP TEMPLATE]

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3. Venue

This Court can hear cases arising out of Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo, and Sonoma counties. This is the right court to file your lawsuit if 1) All defendants live in California AND at least one of the defendants lives in this district; OR 2) A substantial part of the events you are suing about happened in this district; OR 3) A substantial part of the property that you are suing about is located in this district; OR 4) You are suing the U.S. government or a federal agency or official in their official capacities and you live in this district. Explain why this district court is the proper location to file your lawsuit.

Venue is appropriate in this Court because _____

4. Intradistrict Assignment

There are three divisions of this Court: San Francisco/Oakland, San Jose, and Eureka. The San Francisco/Oakland division covers Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Sonoma counties. The San Jose division covers Monterey, San Benito, Santa Clara, Santa Cruz counties. The Eureka division covers Del Norte, Humboldt, Lake, Mendocino counties, only if all parties consent to a magistrate judge. Explain which division your case should be assigned.

This lawsuit should be assigned to [Select one: San Francisco/Oakland, San Jose, OR Eureka] Division of this Court because _____

5. Statement of Facts and Claims

Write a short and simple description of the facts of your case. Include WHERE and WHEN the events happened, WHO was involved, WHAT role each defendant played, and HOW you were harmed. If you know which laws or rights the defendant violated, you can include them, but you do not need to make legal arguments. Put each fact or claim into a separate, numbered

1 paragraph, starting with 5a, 5b, and so on. Attach additional sheets of paper as necessary. You
2 may attach documents that support your claims to the end of this Complaint as exhibits. Explain
3 what each exhibit is, when and how you got it, and how it supports your claims. Attaching a
4 document to your Complaint does not necessarily mean that it will be accepted as evidence.

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6. Demand for Relief

State what you want the Court to do for you. For example, depending on which claims you raise, it may be appropriate to ask the Court to award you money or order the defendant to do something or stop doing something. If you are asking for money, you can say how much you are asking for and why you should get that amount.

7. Demand for Jury Trial

Check this box if you want your case to be decided by a jury, instead of a judge.

☐ Plaintiff demands a jury trial on all issues.

All plaintiffs must sign, date, and print their names at the end of the Complaint. Attach another page if you need to.

Respectfully submitted,

Date: _____ Sign Name: _____
Print Name: _____